

IN THE CLAIMS:

Please amend Claims 1, 3, 5, 6, 8, 10, 12 to 14, 18, 19, 21 to 23, 39, 41 and 43 as shown below. Please cancel Claims 2, 4, 9, 11, 15, 17 and 20 without prejudice or disclaimer of subject matter. The claims, as currently pending in the application, read as follows:

1. (Currently Amended) A control device that controls a cluster operation of a plurality of devices, comprising:
  - a determination portion that determines whether ~~or not~~ a required number of devices for the cluster operation are in a stand-by state;
  - a restoring portion that restores a device by transferring the device from an energy saving state to a stand-by state, wherein the restoring is based on a determination by the determination portion; and
  - a distribution portion that distributes a job to each device in the cluster operation based on a sum of the number of devices in the stand-by state and the number of devices transferring to the stand-by state by said restoring portion reaching said required number,  
wherein the sum of devices is the addition of the number of devices in the stand-by state and the number of devices transferring to the standby state by said restoring portion, and

wherein said restoring portion determines a device to be restored among a plurality of devices in accordance with a specified restoring condition, then sets up the determined device to restore.

2. (Cancelled).

3. (Currently Amended) The control device according to claim [[2]]  
1, wherein said restoring condition includes a warm-up time for the device to return to the stand-by state, and/or the last operation time and/or the functions provided for the device.

4. (Cancelled).

5. (Currently Amended) A control device that controls a cluster  
operation of a plurality of devices, comprising: according to claim 4,  
a selecting portion; and  
a distribution portion,  
wherein, if the number of devices in a stand-by state is less than a required  
number of devices needed for the cluster operation, said selecting portion selects devices  
from among the devices in an energy saving state for the remaining number of devices  
needed in the cluster, and

wherein, after selection, said distribution portion distributes a job to each  
device in the stand-by state and each selected device in the energy saving state, and

wherein said distribution portion distributes the job so that an allocation allocated portion of job to each device in the energy saving state that is selected by said selecting portion is less than an allocation allocated portion of job to each device in the stand-by state.

6. (Currently Amended) The control device according to claim [[4]] 5, wherein said distribution portion distributes the job to said each device in the stand-by state and each selected device in the energy saving state on the basis of the time for which the device in the energy saving state that is selected by said selecting portion gets to the stand-by state.

7. (Cancelled).

8. (Currently Amended) A control method for controlling a cluster operation of a plurality of devices, comprising:  
a determining step of determining whether or not a required number of devices for the cluster operation are in a stand-by state;  
a restoring step of restoring a device by transferring the device from an energy saving state to a stand-by state, wherein the restoring is based on a determination by the determining step; and

a distribution step of distributing a job to each device in the cluster operation based on [[the]] a sum of the number of devices in the stand-by state and the

number of devices transferring to the stand-by state by said restoring step reaching said required number,

wherein the sum of the devices is the addition of the number of devices in the stand-by state and the number of devices transferring to the stand-by state in said restoring step, and

wherein said restoring step determines a device to be restored among a plurality of devices in accordance with a specified restoring condition, then sets up the determined device to restore.

9. (Cancelled).

10. (Currently Amended) The control method according to claim [[9]] 8, wherein said restoring condition includes a warm-up time for the device to return to the stand-by state, and/or a last operation time and/or [[a]] functions provided for the device.

11. (Cancelled).

12. (Currently Amended) [[The]] A control method for controlling a cluster operation of a plurality of devices, comprising: according to claim 11, wherein a selecting step; and  
a distribution step,

wherein, if the number of devices in a stand-by state is less than a required number of devices needed for the cluster operation, said selecting step selects devices from among the devices in an energy saving state for the remaining number of devices needed in the cluster, and

wherein, after selection, said distribution step distributes a job to each device in the stand-by state and each selected device in the energy saving state, and wherein said distribution step distributes the job so that an allocated portion allocation of job to each device in the energy saving state that is selected at said selecting step is less than an allocated portion allocation of job to each device in the stand-by state.

13. (Currently Amended) The control method according to claim [[11]] 12, wherein said distribution step distributes the job to said each device in the stand-by state and each selected device int eh energy saving state on the basis of the time for which the device in the energy saving state that is selected at said selecting step gets to the stand-by state.

14. (Currently Amended) A computer executable program stored on a computer readable medium, comprising:  
code for a determining step to determine whether or not a required number of devices for [[the]] a cluster operation are in a stand-by state;

code for a restoring step to restore a device by transferring the device from an energy saving state to a stand-by state, wherein the restoring is based on a determination by the determining step ~~code~~; and

code for a distribution step to distribute a job to each device in the cluster operation based on [[the]] ~~a sum of the number of devices in the stand-by state and the number of devices transferring to the stand-by state by said restoring step code reaching said required number,~~

wherein the sum of devices is the addition of the number of devices in the stand-by state and the number of devices transferring to the stand-by state in said restoring step, and

wherein said restoring step determines a device to be restored among a plurality of devices in accordance with a specified restoring condition, then sets up the determined device to restore.

15. (Cancelled).

16. (Previously Presented) The computer program according to claim 14, wherein said restoring condition includes a warm-up time for the device to return to the stand-by state, and/or the last operation time and/or the functions provided for the device.

17. (Cancelled).

18. (Currently Amended) [[The]] A computer executable program stored on a computer readable medium, comprising: according to claim 17,  
code for a selecting step; and  
code for a distribution step,  
wherein, if the number of devices in a stand-by state is less than a required  
number of devices needed for a cluster operation, said selecting step selects devices from  
among the devices in an energy saving state for the remaining number of devices needed in  
the cluster, and

wherein, after selection, said distribution step distributes a job to each  
device in the stand-by state and each selected device in the energy saving states, and  
wherein said code for a distribution step distributes the job so that an  
allocated portion allocation of job to each device in the energy saving state that is selected  
at said selecting step is less frequent than an allocated portion allocation of job to each  
device in the stand-by state.

19. (Currently Amended) The computer executable program according to claim 18, wherein said distribution step distributes the job to said each device in the  
stand-by state and each selected device in the energy saving state on the basis of the time  
for which the device in the energy saving state that is selected at said selecting step gets to  
the stand-by state.

20. (Cancelled).

21. (Currently Amended) A network device having a printing unit in which a cluster operation can be realized in cooperation of a plurality of network devices, each of which having a printing unit, comprising:

a determination portion that determines whether the network device is included a cluster system, wherein the determination is made when conditions, being intrinsic to the device itself, for transferring to an energy saving state are met; and

a state transfer portion that transfers the network device to the energy saving state, wherein in accordance with an instruction from an external device, irrespective of said conditions; if the determination portion determines that the network device is included in the cluster system, the state transfer portion transfers the network device to an energy saving state only in accordance with an instruction from an external device, irrespective of said conditions.

22. (Currently Amended) A control method for a network device having a printing unit in which a cluster operation can be realized in cooperation of a plurality of network devices, each of which having a printing unit, comprising:

a determination step of determining whether the network device is included a cluster system, wherein the determination is made when conditions, being intrinsic to the device itself, for transferring to an energy saving state are met; and

a state transfer step of transferring the network device to the energy saving state, wherein in accordance with an instruction from an external device, irrespective of said conditions; if the determination step determines that the network device is included in

the cluster system, the state transfer step transfers the network device to an energy saving state only in accordance with an instruction from an external device, irrespective of said conditions.

23. (Currently Amended) A computer executable program stored on a computer readable medium, comprising:

code for a determination step to determine whether a network device having a printing unit is included a cluster system, wherein the determination is made when conditions, being intrinsic to the device itself, for transferring the network device to an energy saving state are met; and

code for a state transfer step to transfer the network device to the energy saving state, wherein in accordance with an instruction from an external device, irrespective of said conditions, if the determination step determines that the network device is included in the cluster system, the code for a state transfer step transfers the network device to an energy saving state only in accordance with an instruction from an external device, irrespective of said conditions.

24. to 38. (Cancelled).

39. (Currently Amended) The control device according to claim [[2]]  
1, wherein the restoring condition is registered in a server,

wherein said control device further comprises an acquisition portion that acquires the restoring condition registered in the server, and

wherein, based on the acquired restoring condition, said restoring portion restores a device by transferring the device from the in-an energy saving state to [[a]] the stand-by state based on the acquired restoring condition.

40. (Previously Presented) The control device according to claim 1, wherein the control device is embedded in a printer.

41. (Currently Amended) The control method according to claim [[9]] 8, wherein the restoring condition is registered in a server,

wherein said control method further comprises an acquisition step of acquiring the restoring condition registered in the server, and

wherein, based on the acquired restoring condition, a device in-an energy saving state is restored by transferring the device from the energy saving state to [[a]] the stand-by state in said restoring step based on the acquired restoring condition.

42. (Previously Presented) The control method according to claim 8, wherein the control method is preformed in a printer.

43. (Currently Amended) The program according to claim [[15]] 14, wherein the restoring condition is registered in a server,

wherein said program further comprises an acquisition step code of acquiring the restoring condition registered in the server, and

wherein, based on the acquired restoring condition, a device ~~in an energy saving state~~ is restored by transferring the device from the energy saving state to [[a]] the stand-by state in said restoring step code ~~based on the acquired restoring condition~~.

44. (Previously Presented) The program according to claim 14, wherein the program is preformed by a computer embedded in a printer.